AMO BULLETIN

RESOLUTIONS--- A COMPLICATED PROCEDURE??

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO
MARCH 1985

86-02224/

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total intergovernmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections:

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
* Ontario Municipal Administrators Association
* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario

To the Municipal Clerk:

Please circulate this Report to the members of council and to the staff of your municipality. Additional copies are available at $2.50 each from the Publications Centre, Association of Municipalities of Ontario, 100 University Avenue, Suite 902, Toronto, Ontario M5J 1V6

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RESOLUTIONS-----A COMPLICATED PROCEDURE??

The municipalities of the Province of Ontario have an important role to play in the provincial and federal legislative processes. Intimate awareness of local problems enable local officials to provide a viewpoint on matters of municipal, provincial and at times national concern. Traditionally municipalities have used the mechanism of a municipal council resolution to communicate the need for legislative, policy and program changes to the other levels of government.

The Association of Municipalities of Ontario has assumed, over the years, the function of the facilitator and co-ordinator of municipal opinion. This role was further strengthened in 1982 by the creation of one municipal association for a collective voice to the governments. However, with the creation of this larger and rather complex organization of the new "AMO", also came some confusion regarding decision-making procedures both on the part of the municipal membership, the leaders and the administration of the "new Association".

Take heart! You are not alone in your confusion. Through trial and error, a resolutions process has evolved during the past three years which, <u>because</u> of its complexity, effectively articulates the collective view of municipalities to the other levels of government.

The Association of Municipalities of Ontario, through its Legislative and Resolutions Committee, therefore, presents to you, its member municipalities, an informational bulletin, in three parts: Part I "The Resolutions Process of AMO", Part II "Guidelines for the Formulation of Municipal Resolutions" and Part III "The Presentation and Debate of Resolutions at Section Annual Meetings and the AMO Annual Conference". Colloquially speaking, this bulletin could be termed "<u>How to get your resolutions through the AMO Legislative and Resolutions Committee and endorsed by the AMO Annual Conference</u>".

PART I: THE AMO RESOLUTIONS PROCESS

THE AMO CONSTITUTION

The Association of Municipalities of Ontario is constitutionally required to present all municipal council resolutions submitted by member municipalities to its Annual Conference for debate by the membership.

Article XIV Section 2 of the AMO Constitution states:

> "There shall be a resolutions committee and a chairman of the resolutions committee appointed by the Executive Committee prior to the Annual Meeting. This committee shall meet for the purpose of considering all resolutions and submitting its recommendations on each resolution to the Annual Meeting".

Section 3 states:

> "The Board of Directors shall establish rules and procedures for consideration of resolutions including a process for the consideration of resolutions between Annual Meetings".

Section 5 states:

> "Resolutions may be submitted also by the Board of Directors for consideration of the Annual Meeting or any other meeting of the Association".

As well, the AMO Constitution contains provision for procedures to be established by the Sections of the Association with respect to their consideration of resolutions.

THE POLITICAL AND DECISION-MAKING STRUCTURE OF AMO

The following charts the political organizational structure of the Association; from the Legislative and Resolutions Committee as a standing committee of the Association, to the final decision-making body, the AMO Annual Conference.

ILLUSTRATION A

RESOLUTIONS: FROM THE COMMITTEE TO THE GOVERNMENT

Legislative and Resolutions Committee

Section Executive Committees

Section Annual Meetings

Provincial/Federal Governments

AMO Board of Directors or AMO Annual Conference

Provincial/Federal Governments

The Constitution of AMO created January 1, 1982, contains a guarantee of the following principle of decision-making:

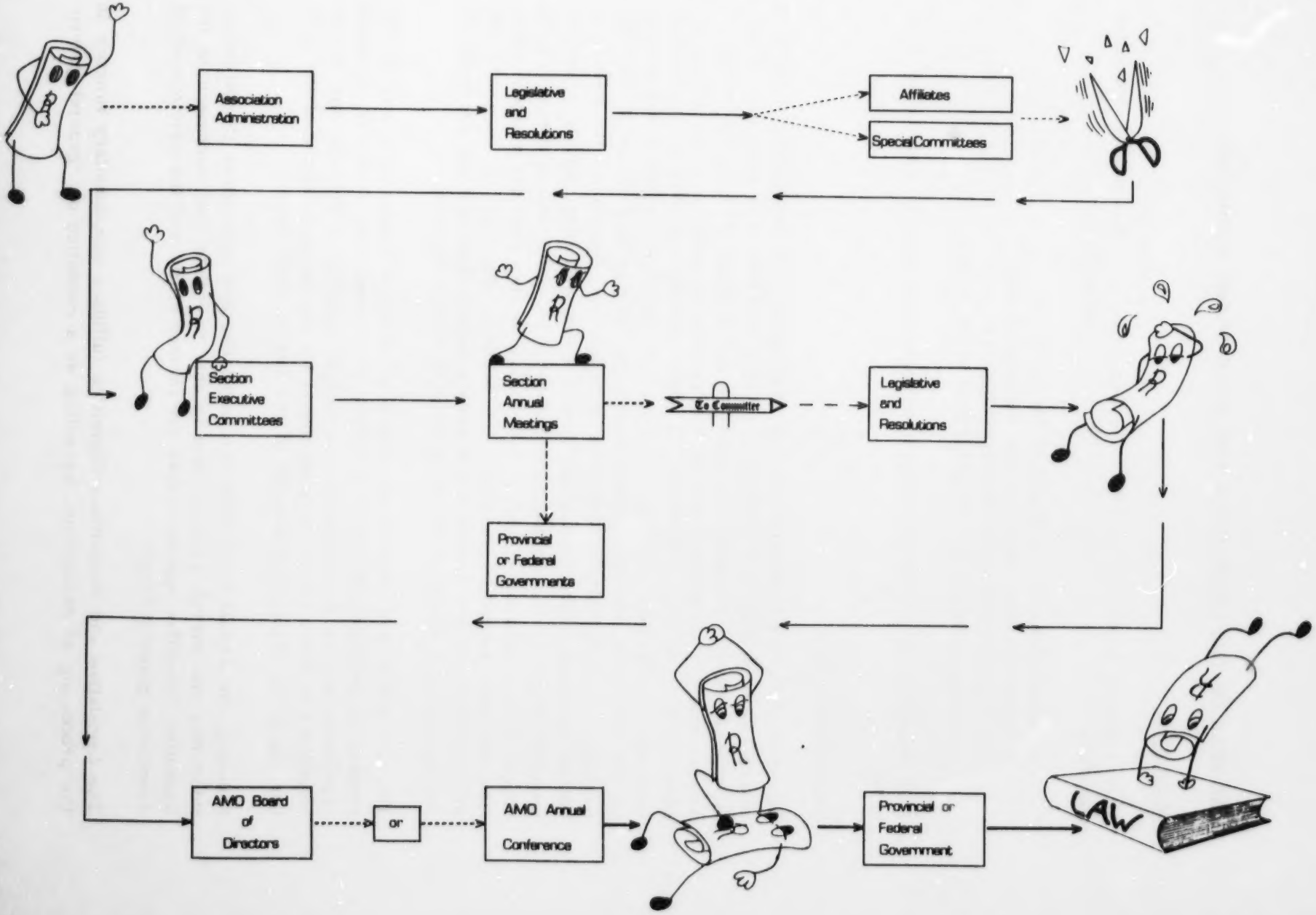
Article XVII Section 1

> "The Association shall ensure that where issues of consequence to municipalities are identified, all viewpoints of members, through their appropriate sections, upon the matter - affirmative, dissenting and minority - are presented and represented with any majority opinion as constituting component parts of the total municipal position".

It is the incorporation of this decision-making principle into the political and administrative processing of resolutions, which has enhanced but also complicated the Association's procedures. Illustration "B" of this Bulletin "The Passage of a Resolution Through AMO", hopefully provides some visual clarification of the wide internal analysis of municipal resolutions in an effort to articulate the municipal opinion to other levels of government.

ILLUSTRATION B

THE PASSAGE OF A RESOLUTION THROUGH AMO



THE ROLE OF THE LEGISLATIVE AND RESOLUTIONS COMMITTEE

Composition

As a standing committee of AMO, the Legislative and Resolutions Committee comprises:

- representatives of the Board of Directors
- 2 representatives each from the Sections of AMO
- representatives from member municipalities
- one representative each from affiliate organizations

This committee is one of the largest committees of AMO (presently 26 members).

Co-ordinating Role

All resolutions are submitted to the Legislative and Resolutions Committee (except those "emergency" issues) for full examination and analysis. There is some flexibility necessary to expedite the process due to the timing of Annual Meetings of Sections and of the general Association, which allows the administration of the Association to refer specific resolutions to Section Executive Committees, advisory committees, or affiliates, prior to examination by the Legislative and Resolutions Committee. The prime function of the AMO Legislative and Resolutions Committee is to analyse resolutions, the shades of opinion expressed through the Sections of the organization, and to present a recommendation to the Annual Conference. The Committee in presenting its report (The Resolutions Book) to the Annual Meeting provides a recommendation for each resolution received, the Sections' decisions on each and, as well, provides to the Annual Conference a record of resolutions approved by the Association's Board of Directors between Annual Meetings.

The Legislative and Resolutions Committee plays a fundamental role in the process by providing expertise in certain policy areas, by providing municipal experience and by co-ordinating the various opinions of Sections and special committees to formulate its recommendation for the decision-making of the membership at the resolutions sessions of the Annual Conference.

Following the Annual Conference the Legislative and Resolutions Committee, in monitoring the overall process, also is able to isolate and recommend to the Executive Committee specific issues for further study and the development of Association policy positions.

The Legislative and Resolutions Committee fulfills a complimentary function to the processing of resolutions, by acting as a committee on "general govern-

ment". On occasion the committee has reviewed draft municipal legislation and provided recommendations to the AMO Executive Committee or Board of Directors.

THE ROLE OF SPECIAL POLICY COMMITTEES

The special and ad hoc committees of the Association provide the Legislative and Resolutions Committee with expertise on specific resolutions and issues within their areas of knowledge. The special committees of AMO also assist the Legislative and Resolutions Committee in the yearly review of the Policy Guidelines of the Association. Each committee presents recommendations for the up-dating of AMO's positions on key municipal issues for the Annual Conference. Thus, for example, the AMO Labour Relations Committee would review all resolutions submitted relating to municipal personnel and labour matters and provide advice to the Legislative and Resolutions Committee. Recommendations require support with factual information. The special committees of AMO provide invaluable assistance for subjects within their areas of expertise.

THE ROLE OF THE AFFILIATED ORGANIZATIONS

The Legislative and Resolutions Committee forwards resolutions deemed of interest to an affiliate member for comment. The experience of affiliated groups is beneficial in arriving at recommendations for many of the more "technical" issues.

Affiliate members of AMO may submit resolutions, approved by their Annual Meetings, to the Association for consideration at the Annual Conference. These resolutions are submitted to the Legislative and Resolutions Committee and, if time allows, to the appropriate Sections for review. Most affiliates of AMO do forward their adopted resolutions for debate at the Annual Conference.

THE ROLE OF THE AMO SECTIONS

In accordance with the provisions of the Constitution of AMO, each Section - the Large Urban Section, the Organization of Small Urban Municipalities (OSUM), the Rural Section (ROMA), the County and Regional Section, and the Northern Ontario Section (FONOM/NOMA) has the right to establish policies with respect to the processing of resolutions including voting privileges and presentation procedures during their Annual Meetings. All Sections have maintained a degree of autonomy with respect to resolutions. All

have utilized procedures, similar to those of the general Association, for the analysis and presentation of resolutions to their own Annual Meetings.

There are some general guidelines regarding the direction of resolutions to the Sections of AMO. All resolutions received from a member municipality and directed by the municipality to a particular Section are automatically presented to the Executive Committee of that Section, as well as to the AMO Legislative and Resolutions Committee. All resolutions of interest to a specific type of municipality, are presented to the appropriate Section.

Example: rural matters to ROMA (Rural Section)
urban issues to the Large Urban Section
second-tier issues to the County and Regional Section

Resolutions which illustrate widespread municipal concerns also are presented for discussion to the Section Annual Meetings, as well as the full Annual Conference of AMO.

Section Annual Meetings

Each Section conducts a debate on municipal resolutions at its Annual Meeting, for the purpose of arriving at a consensus on issues, such viewpoint representative of their municipal structure and interests. Each Section Executive Committee acts, throughout the year, as the Section's "resolutions committee", assisted by background material provided through the AMO Legislative and Resolutions Committee, for the purpose of presenting recommendations to delegates attending their annual conferences. All resolutions adopted by the Section annual meetings are forwarded to the provincial government as their particular viewpoint on issues.

However, it is at this point where the relatively new decision-making principles of AMO come into force. Article XI, Section 13 of the Association's Constitution states that "All external policy and resolutions developed and action approved by the Sections shall be forwarded to the Association for consideration and action". Therefore, the resolutions debated at Section Annual Meetings are also fully debated by the total Association membership at the Annual Conference of the general Association and the opinions expressed through the Sections of AMO are articulated to the full membership at the Annual Conference. The AMO Legislative and Resolutions Committee (which has, as part of its membership, Section Executive Committee representatives) co-ordinates and facilitates any consensus position, together with any conflicting Section opinion to the Board of Directors and/or the Annual Conference of the Association.

From the member's perspective, the above is not, in fact, a change from past practice. Prior to 1982, the other municipal organizations - OSUM, ROMA,

FONOM and NOMA, all forwarded their approved resolutions for debate at the AMO Annual Conference. An obvious change is the record of non-support now included in the "opinion" presented by the Legislative and Resolutions Committee to the Annual Conference.

The following chart may clarify to member municipalities the relationship of resolutions from Section Annual Meetings, to the AMO August Annual Conference.

ILLUSTRATION C

SECTION ANNUAL MEETINGS

Rural Section (ROMA) - (February)	Adopted Resolutions	To:	Provincial Gov. AMO Board of Directors
OSUM (Small Urban) - (May)	Adopted Resolutions	To:	Provincial Gov. AMO Annual Conference
FONOM/NOMA (Northern Ontario Section) - (May)	Adopted Resolutions	To:	Provincial Gov. AMO Annual Conference
Large Urban Section - (June)	Adopted Resolutions	To:	Provincial Gov. AMO Annual Conference
County & Regional Section - (October)	Adopted Resolutions	To:	Provincial Gov. AMO Board of Directors

THE ROLE OF THE AMO BOARD OF DIRECTORS

The Association's Board of Directors acts on behalf of the membership between Annual Conferences. Therefore, the Board of Directors may act on resolutions between Annual Meetings.

The resolutions presented to a Board of Directors meeting may be those on which immediate action is required, or those which fall within the policy objectives of the organization. The Association, on many occasions, has found it necessary to respond quickly to the provincial or federal legislative schedule on matters of municipal interest.

The Board of Directors also considers some resolutions submitted by Section Executive Committees and/or their annual meetings as noted in the above ill-

ustration C. The Board, in considering an approved Section resolution, must have regard to the established policies of the Association, and the possible implications upon other Sections of the Association. If there is adequate time in the schedule between the Section Annual Meeting and the Board of Directors meeting, resolutions approved by the Section Annual Meeting may also be reviewed by other Section Executives and the AMO Legislative and Resolutions Committee. The Board of Directors may then be guided by the advice of the Legislative and Resolutions Committee and, if possible, the comments of Section Executive Committees having an interest in the subject.

The Board of Directors may also initiate and submit resolutions to the Annual Conference of the Association, to Section Executive Committees, or their Annual Meetings.

THE ROLE OF THE AMO EXECUTIVE COMMITTEE

The Association's Executive Committee acts on behalf of its Board of Directors between meetings. Therefore, in situations of urgency and/or emergency the AMO Executive may assume the authority to act on a resolution directed to the federal or provincial governments.

THE AMO ANNUAL CONFERENCE

At the resolutions sessions of the Annual Conference, delegates have an important role to play in the development of municipal policy. The Annual Conference provides a forum for the collective expression of the municipal viewpoint on legislative and policy matters, and for the development, where possible, of a municipal consensus.

The First Report of the AMO Legislative and Resolutions Committee - THE BOOK

The Legislative and Resolutions Committee prepares a yearly compilation of resolutions submitted to the Association by its member municipalities and affiliates which includes the recommendation of the Legislative and Resolutions Committee per resolution, comments from all Section Executive Committees and/or their Annual Meetings, plus a record of the resolutions approved during the course of the year by the AMO Board of Directors. In that several hundred resolutions are presented for debate to the Annual Conference, they are priorized on the following basis:

- Pre-eminent (high priority)
- those within the direct responsibility of municipal government in Ontario (Part I)

- those of general social, economic concern but not within the jurisdiction of municipal government (Part II)

There is also an effort on the part of the Committee to separate out duplicate resolutions and present one resolution per issue to the Conference delegates. All municipal resolutions are printed in the Resolutions Book, but duplicates appear in the "Supplementary" section. The Resolutions Book is available, upon request, to the membership approximately one month prior to the AMO Annual Conference. The Resolutions Book also contains information on procedures for the debate of resolutions on the conference floor. Part III "The Presentation and Debate of Resolutions" of this bulletin provides a brief overview of the debating procedures of resolutions sessions at the AMO Annual Conferences and Section Annual Meetings.

Policy Guidelines of the Association of Municipalities of Ontario

The Association of Municipalities of Ontario has, over the years, encouraged municipalities to contribute views and opinions on matters of local government and mutual concern. Accordingly municipalities have submitted resolutions that ultimately shape the policies of AMO, and can become the basis of briefs and submissions to other governments.

The "policy guidelines" of AMO are general statements not intended to deal with specific situations. They, rather, provide a common foundation for AMO to address specific problems. Adopted resolutions of the AMO Conference are one aspect reflected in these general policies. Position papers are another example of how these guidelines are put into practice.

Therefore, the Legislative and Resolutions Committee co-ordinates and presents, yearly, these policy guidelines to the Annual Conference of AMO, where they are either amended to reflect changing opinion and circumstances, or reaffirmed.

AFTER THE AMO ANNUAL CONFERENCE

All resolutions adopted at the AMO Annual Conference are forwarded immediately to the federal and provincial governments. Approved resolutions are transmitted to the Provincial-Municipal Affairs Secretariat, Ministry of Municipal Affairs and Housing. The Secretariat provides a liaison function between the other Ministries of the Province of Ontario and AMO and acts as a central registry for all municipal resolutions.

Those resolutions designated as "pre-eminent" are forwarded directly to the special attention of the Minister of Municipal Affairs and Housing and to the other appropriate members of Provincial Cabinet. It also has become the cus-

tom that these "priority positions" also become the subject of continued dialogue at the regularly scheduled fall meeting of AMO and the Minister of Municipal Affairs and Housing.

The Association publishes a record of the Annual Conference action regarding resolutions. The yearly published Resolutions Book contains all resolutions approved by the AMO Annual Conference and Board of Directors, as well as the annually revised policy guidelines of the Association. This book is distributed to the membership early in the new year.

PART II: GUIDELINES FOR THE DRAFTING OF MUNICIPAL RESOLUTIONS

INTRODUCTION

Between Annual Conferences, the AMO Legislative and Resolutions Committee reviews approximately two hundred and fifty (250) separate resolutions, submitted by member municipalities or affiliate organizations, requesting support in their endeavors to seek either provincial or federal legislative or regulatory changes. Depending on the subject matter, these resolutions are then filtered through the process (as described in Part I of this Bulletin) to the various AMO special committees, Section Executive Committees and affiliates for input, prior to consideration, by the Legislative and Resolutions Committee. The AMO Legislative and Resolutions Committee plays a fundamental role in the process by acting as a "centralized registry" to ensure that the municipal viewpoint is forwarded to the provincial or federal governments.

However, regardless of the expertise and practical municipal experience embodied in the 26 member AMO Legislative and Resolutions Committee, there is no guarantee that the Legislative and Resolutions Committee and other component groups of the Association will fully understand the intent of every resolution submitted! It is the concise, informative and well-documented with factual information resolutions, which survive the AMO "resolutions process", and are forwarded as adopted policy positions of the Association of Municipalities of Ontario.

AMO has prepared the following guidelines to assist municipal staff and their councils in the preparation of resolutions and in the presentation of their resolutions through the AMO system for the collective support of the municipalities of the province. Hopefully these guidelines will also improve the effectiveness of this rather complex intergovernmental process.

THE DEFINITION OF A RESOLUTION

The Association defines a "resolution" as being a written expression of the opinion adopted by an assembly or other formal group, in which it formally documents the reasons for the request and the desired action being sought, as a direct result of research into a problem or important issue. In other words, a resolution is simply a request for action in a specific form. This is how we, as an Association, express our "opinion" on any specific matter which we feel requires immediate attention.

THE CONSTRUCTION OF A RESOLUTION

A resolution may be constructed in one of the two following ways: in long or short form. A resolution stated in a long form, is usually described in the following terms:

Introductory clauses or preamble; and the operative clause.

A short form resolution merely comprises an operative clause without the inclusion of a preamble.

The Association prefers a resolution stated in "long form" rather than "short form" in that it provides the author with the opportunity to clearly state the intent of the resolution.

Introductory clauses or the preamble:

The "introductory clauses or preamble" commences with a series of "WHEREAS". Each clause is a separate, brief but concise paragraph providing information on the background as to the nature or the reason for the request. One cannot stress the relevant importance of including a "preamble" at all times when preparing a resolution. In the "preamble" the author is provided the opportunity of highlighting the present situation and the inadequacies of current legislation or programs. The preamble should not be too short nor too long. A lengthy preamble tends to lose the audience after the fourth or fifth "Whereas".

Operative clause:

The "operative clause" begins with the words "BE IT RESOLVED". This clause should be as short as possible but, more importantly, it must clearly describe the action being requested.

HOW TO DRAFT A RESOLUTION FOR AMO

1. <u>The language of a resolution should be simple, clear, direct and free of ambiguous terms</u>.

   A resolution that contains well-chosen words will receive the greatest understanding and will, most likely, succeed in achieving its goal.

2. <u>Each resolution should embody only one single specific subject</u>.

   If the author has two distinct problems which he wishes to add-

ress, and the issues can be divided into more than one resolution without referring to each other, separate them.

Operative clauses that contain a combination of directives or alternatives are difficult to resolve. Therefore, the author should reflect the best course of action and limit the request to a single proposal.

Since an author seeks to influence attitudes and actions, the resolution should directly state the desired action. Persuasive communication is unlikely if the audience does not have a common notion of what is to be favoured or opposed.

3. Council resolutions submitted to AMO should be accompanied by factual information.

Even the most perfectly constructed resolution can, at times, fail to clearly indicate the intent of the action being requested. When this occurs, the AMO Legislative and Resolutions Committee usually refers the matter back to the originating municipality requesting further information causing not only an unnecessary delay in the process, but additional work. Or, more importantly, the Legislative and Resolutions Committee may recommend rejection because it has misinterpreted the intent.

Therefore, it is suggested that the person responsible for forwarding the resolution should consider the advantage of enhancing a greater understanding of the issue through the inclusion of additional supplementary information.

Two methods to enhance the clarification of the "intent" of the resolutions are:

i Supplementary Information:

The Legislative and Resolutions Committee always welcomes the inclusion of even a few additional explanatory paragraphs from the author, which puts into perspective the background that gave rise to the presentation and eventual adoption of the resolution by municipal council or the organization.

ii If a report on the subject matter was presented to council in conjunction with the resolution, then a copy of the report should accompany the resolution. If it is not pos-

sible to send an entire report, then the essential background information should be extracted and sent with the resolution.

4. Resolutions should be properly titled.

A resolution is never quite complete, no matter how well constructed, without giving it the final touch - the inclusion of an appropriate short "TITLE". A title would assist the AMO Legislative and Resolutions Committee, or for that matter, any other AMO committee reviewing the resolution, to quickly identify the intent of the resolution and, furthermore, eliminate the possibility of misinterpretation.

A title is usually determined from the "operative clause" of the resolution. For ease of printing in the "Resolutions Book" and for clarity of intent, a title should not comprise more than twenty (20) words.

5. Resolutions should contain accurate legislative references.

The majority of resolutions submitted to AMO, by its membership, request changes to legislation (provincial or federal) which has direct impact on municipal government. The requests seek either a review, an amendment or deletion of existing legislation or, new proposed legislation to be brought before the Legislature.

Consequently accurate and current legislative references, obtained through usage of a statute citator, are helpful.

In addition, the author of the resolution should ensure that the jurisdictional responsibility has been correctly identified (e.g. ministry or department within the federal or provincial governments).

When references are made within the resolutions to particular legislation and responsible ministry, then the author should ensure that the correct Act has been identified. Once again, the quickest way to check ministerial responsibility is to refer to an Ontario Statute Citator, or speak to a municipal clerk or some other official within the municipality.

WHEN TO SUBMIT YOUR RESOLUTION TO AMO

Article XIV, Section (1) of the AMO Constitution stipulates that resolutions to be included in the resolutions report for presentation to the Annual Conference shall be submitted to the Association at least 75 days prior to the commencement of the Annual Conference.

The Sections of AMO; Large Urban, OSUM (Small Urban), Rural (ROMA) County and Regional, and Northern Ontario (FONOM/NOMA) all have adopted procedures regarding the acceptance of resolutions for debate at their annual meetings. The Policy Statement on the Conduct and Operation, of each of the above Sections, states that resolutions must be received, in writing, at least thirty (30) days prior to their Annual Meetings.

Therefore, the timing of submission of your municipal council resolution would be dependent upon its focus with respect to the Sections of AMO, as well as the general Annual Conference.

However, if a municipal council has identified a policy issue which would likely be transmitted in the form of a council resolution to AMO it should not be transmitted "late" in the Association year (the final two months prior to the August Annual Conference).

The Constitution requires that resolutions be received 75 days in advance to enable printing in the Resolutions Book for the Annual Conference. Resolutions received after this date may be considered but, traditionally, are categorized as "Late Resolutions", and are considered last at the Annual Conference. Those resolutions not debated, due to time constraints, are usually such "late" resolutions, and these are then referred to the fall meeting of the AMO Board of Directors.

Aside from the benefit of receiving the consideration of the delegates at the Annual Conference, there is other justification for a municipal council to forward its proposals to AMO early in the "Association" year. Resolutions received past the June deadline are not circulated through the internal processes for full dialogue. Without filtering the resolution through the complete process, the Legislative and Resolutions Committee cannot ensure the presentation of a comprehensive municipal viewpoint.

The best time of the year to submit a resolution to the Association is September through to early May. In submitting a resolution within this suggested time period, not only will the resolution receive full consideration and administrative support, but it will also improve the effectiveness of the resolutions process. "Timing is of the essence" where the AMO resolutions process is concerned.

RESOLUTIONS MOST OFTEN NOT SUPPORTED BY AMO

Resolutions reflecting "Local Problems"

Every municipality, at one time or another, encounters a unique issue within its municipal boundaries and seeks support from the Association in its journey to rectify the situation with the provincial government.

However, it has been the experience of the Association that a resolution of this nature has little probability of being adopted by the Annual Conference or annual meeting of a Section. The rationale for rejection, time and time again, is the simple fact that the issue reflects a "local matter" which is not applicable to all municipalities. That is, the issue at hand affects one out of the 838 municipalities in the Province of Ontario, and thus, many of the members cannot relate to the specific concerns being raised by the individual municipality. It is suggested by the Association that it would be wise for the member to directly approach the responsible Minister.

The member municipality could file a copy of this kind of resolution with AMO for its information. The covering letter would indicate that the resolution has been forwarded to the Association for information purposes only and the municipality does not wish the resolution to be debated at an Association Conference.

Resolutions that relate to purely local problems or issues stand very little chance of being adopted. Resolutions having the widest municipal interest possible are those most likely to succeed.

One-Sentence or One-Paragraph Resolutions

A resolution should include a few introductory clauses to apprise the committees of the Association of its intent. Vague, short-form council resolutions, without supplementary information, are difficult to address.

Resolutions which are Personalized

The author, in preparing the preamble to a resolution, should attempt to engender the widest support to the proposal. In other words, the description of reason or problem should be general in nature and not reflect local situations or events. To do otherwise places the resolution in danger as being only of "local" interest or peculiar to the submitting municipality.

MUNICIPAL COUNCIL ENDORSATIONS

In addition to questions regarding AMO's resolutions process, inquiries have been made with respect to the circulation of resolutions among municipalities. From the Association's perspective the question as to whether or not endorsements add to the weight of a resolution is debatable. There are some resolutions which receive wide endorsement by the municipalities of the province which, in the final analysis, either did not receive the support of the Annual Conference, or had little impact on the federal or provincial governments.

The Association of Municipalities of Ontario does not give any specific direction to its membership on how it should deal with its own resolutions, or resolutions received from other municipalities. It has been concluded that it is impossible to weigh the merits of circulation and the resultant impact on the governments when substantial endorsements are received. Also it is not possible to measure the results in terms of the time and effort on the part of municipalities in the circulation and debate of resolutions at municipal councils. Therefore, AMO has concluded that inter-municipal circulation of resolutions is a matter left to the discretion of the individual municipal council.

PART III: THE PRESENTATION AND DEBATE OF RESOLUTIONS AT ANNUAL MEETINGS

GROUP DECISION-MAKING

> "Debate is a democratic process of decision-making. It has a number of advantages over the process followed by an individual. In group decisions, information increases both in depth and breadth, because of the variety and background of the individuals who make up the group. Not only is the knowledge base extended, but the available methods for approaching a decision are also augmented. Even persons with limited knowledge and experience, who might not be able to come to a decision on their own, may be able through debate to contribute to the understanding of the issue and its possible group resolution. By listening, and better still by contributing, to the discussion, members become aware of the extent of the problem under consideration, the alternative solutions available, and have a better comprehension of the significance and implications of the decision... In any event, every member must be assured an opportunity to participate in the decision-making process".1

The above quotation, perhaps, provides some insight to those who question the time and effort allocated to the collective debate of municipal resolutions at the AMO Annual Conference, and at Section Annual Meetings. It is fact that individuals develop groups when they believe that "collective action" will be more effective or more satisfying than individual activity. Also it is the nature of individuals to bring to the group unique expectations of the group's collective purpose. If the group is to prosper it is essential that there be a mutual understanding of group decision-making and how the individual functions within the process.

Some Thought on Debating Procedures

It is important to recognize that attitudes towards debating procedures fall into three distinct catagories. At one end there are those who are firmly dedicated to the use of the "accepted rules of parliamentary procedure". At the very other end, are those who are fully convinced that all formal procedures are instruments of the devil, created for the sole purpose of limiting participation, suppressing individual initiative and frustrating

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1 Kerr and King, Procedures for Meetings and Organizations, Carswell Legal Publications, 1984.

progress. In the middle are those more favourably disposed to the "common sense" approach.

In practice what is required is a mutually accepted system of rules which covers the range of possible activities of group behaviour. Members of the Association can then develop a respect for the rules and as a consequence, use them wisely.

Procedures should always be regarded as means by which the purposes of the organization can be achieved, rather than objectives in themselves.

AMO RESOLUTIONS PROCEDURES

AMO has developed two important procedures relating to the presentation and debate of resolutions, both of which are contained within the Resolutions Book presented to each delegate upon registration at the Annual Conference. The first, "Order of Presentation", establishes the sequence for the presentation of resolutions to the conference. The second, "Rules of Procedure", establishes the rules to be applied for the presentation, debate and voting on resolutions.

As stated previously, it is the prime function of the Legislative and Resolutions Committee to analyse resolutions, the opinions expressed through the Sections of the organization and present a recommendation to the Annual Conference.

It is also the duty of the Legislative and Resolutions Committee to determine the order of sequence for the presentation of resolutions. The meeting procedures relating to the conference debate of resolutions are subject to the approval of the Board of Directors of the Association.

The Presentation of Resolutions

All resolutions are presented through the Chairman or other member of the Legislative and Resolutions Committee and are deemed to be properly before the assembly. As a consequence, a mover or seconder is not required at the time of introduction of a resolution.

A resolution is deemed to be before the assembly when the Chairman has announced the resolution's number and title and has presented the recommendation of the Committee or explanatory comments.

The Legislative and Resolutions Committee, through the Chairman, may recommend amendment(s) and move adoption of such. In such instances,

the Committee's proposed amendment(s) may be moved by the Chairman or a delegate from the floor of the meeting.

Vital issues affecting municipalities not specifically dealt with by resolution may be raised and discussed at meetings of the Association, provided that a majority of the voting delegates attending such meeting agree by means of a non-debatable procedural motion, to the introduction of the matter.

No resolution can be introduced from the floor of an annual conference that has not been approved by a regular or special meeting of a member of the Association, except for resolutions of congratulations, appreciation or condolence.

The Debate of Resolutions

A resolution is open to debate, amendment or subsidiary motions, once presented by the Chairman (or other designee) of the Legislative and Resolutions Committee.

A representative from the submitting municipality, body or organization shall be given first opportunity to speak to the resolution.

Delegates wishing to address the chair, to speak to the pending question (resolution, amendment or procedural motion) or to present a procedural motion, may do so only when recognized by the chair and only on having been assigned the floor.

Delegates having been assigned the floor are required to announce their name, their municipality and any additional information regarding their status as a delegate.

Delegates are required to direct their remarks to the chair and are allowed three (3) minutes to complete their statement.

Since debate is always confined to the merits of the pending question, the delegate's remarks must be germane to the question.

Delegates are not permitted to speak more than once to the same resolution, amendment or other motion, except in the case of the mover, who may be given the opportunity to conclude debate.

The Chairman of the resolutions session shall have the right to conclude the debate on each resolution, amendment(s), or other motion.

Voting

The recommendations of the Legislative and Resolutions Committee are submitted for guidance only and are not subject to vote. Therefore, the "question" before the assembly is always the resolution as presented or;

as amended once duly moved and seconded; or

a procedural motion relating to the resolution that has been duly moved and seconded.

Only registered voting delegates are permitted to vote on questions before the assembly. However, this does not preclude a registered municipal delegate from speaking to any question before the assembly.

Voting is conducted by a show of "voting cards" as presented to each voting delegate upon registration. A standing vote may be requested by the chair or by the delegates.

The ruling of the chair on carried or lost motions is final and in the case of a tie vote the resolution is lost.

Motions

At AMO resolutions sessions, motions fall within three general classes:

1. The original main motion

   The original resolution as submitted (does not require a mover and seconder and is debatable).

2. An amending motion

   A motion that enables a pending question to be modified (requires mover and seconder and is debatable).

3. A procedural motion

   A motion to provide an alternative method of handling a resolution or amended resolution. Motions to "refer" or to "divide" the question are the most common procedural motions encountered during the resolutions sessions (requires mover and seconder and is limited in terms of scope of debate).

The Order of Debate of Motions

Motions are debated and voted upon in reverse order of their movement. While a substantive motion (the original resolution) possesses the lowest rank of all motions, no other principal resolution may be introduced while it is before the assembly. This does not mean, however, that other classes of motions (amending or procedural motions) cannot be introduced while the main motion is pending.

General Motions

1. A Negative Motion

A motion from the floor "not to endorse" is a negative motion and therefore is not in order. This particular intention can be achieved by defeating the resolution, amendment or motion as it stands.

2. An Amendment

The essential requirement for a proper amendment is that it must be pertinent and relevant to the basic idea of the resolution or to the pending question at hand. It must not introduce an independent substantive issue which can stand on its own nor must it change the resolution's intent to the direct opposite. An amendment, in otherwords, should provide an alternative to the question before the assembly.

3. A Referral

A motion to refer enables a complex resolution or motion to be discussed in detail by a smaller group, which would then bring back specific proposals. The motion to refer may also direct the Board of Directors of the Association in considering a subsequent report on the resolution or motion, to take such action it deems required or appropriate in the absence of the assembly.

The mover of a motion to refer must state in clear and precise terms why the motion should be referred, the direction of the referral that is to whom, how and when the matter should be returned. Once this has been completed the chair will seek a seconder to the motion. If a seconder is obtained, the motion of referral is before the conference. The chair will then allow one speaker, preferably a representative from the municipality

or body submitting the resolution, to address the motion of referral.

A motion to refer can be amended, but only with respect to the nature or direction of the referral.

Under no circumstances will the chair permit debate on the issues within the resolution or an amendment before the matter of referral is dealt with by the meeting.

The Right of the Chair

The chair, in its own right, at the request of the secretary of the session or at the request of the assembly, may require the mover of an amendment or a procedural motion to repeat the motion or, because of its length or complexity, require the mover to submit the amendment or motion in writing.

CONCLUSION

THE AMO RESOLUTIONS PROCESS AND ITS IMPACT ON THE LEGISLATIVE PROCESS

Do municipal council resolutions have an effect on the drafting of legislation and its review by the Legislative Assembly of the Province? Does the emphasis placed by the Association on the comprehensive review, analysis and debate of municipal council resolutions by the various committees, Executive Committees, and annual conferences of the organization, impact provincial or federal laws?

The membership of the Association can best make this determination. Although the number of success stories certainly does not equal the volume of local councillors' requests for legislative change or new government programs, there are measurable results. The reintroduction of the municipal three-year term of office by the provincial government in 1982 completed several years of resolutions and vociferous debate at the AMO Annual Conference. The equalizing of the police per capita grant in 1983 was the subject of long-standing request by AMO through its resolutions process. The recent promotion of municipal government during "Local Government Week", January 13-19, 1985 originated with a resolution from a member municipality supported by all component Sections and the AMO Annual Conference.

Perhaps the best measure of success of this process can be the enthusiastic participation of the municipalities of Ontario in the AMO resolutions process. Well over 200 council resolutions are yearly submitted to the Association.

The AMO resolutions process has become an important and essential ingredient in the Association's day to day operation, in that it provides a mechanism which allows to surface the current concerns of municipal councils from all parts of the province and from all sizes of municipalities. In other words, it keeps AMO abreast of the issues of utmost concern of its membership. Thus, the Association encourages its membership to continue to submit relevant resolutions and to bear in mind these suggestions when preparing a resolution for submission to the Association.

The resolutions function appears to be alive and well. Therefore, the Association has prepared this bulletin to shed some light on the matter. This bulletin, hopefully, does provide, for municipal politicians and staff, a perspective of their councils' resolutions, the Association's resolutions process, and the intergovernmental process.

The Association wishes you well in your continued efforts in presenting the

viewpoints from the cities, towns, townships, villages, counties and regional municipalities of the Province.

For further information regarding the AMO resolutions process or the preparation of resolutions contact:

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APPENDIX A

GLOSSARY OF TERMS

Approval in principle: A decision to approve the general intention of a motion, subject to a ratification vote after the full significance of the motion has been determined.

Clause by clause: A procedural motion to facilitate debate on a complex document or resolution by allowing it to be discussed and amended one clause at a time. After all clauses have been considered, a vote is taken on the motion to adopt the entire document or resolution.

Dividing the question: A procedure that enables a motion to be broken up into independent parts which can be considered one at a time.

Motion: A proposal for action or an expression of opinion which is presented to the meeting for debate and decision.

Operative: The precise statement or clause on the action being requested. Most often referred to as the "operative clause".

Pending question: The motion that is currently under debate.

Personal privilege: An appeal made by a delegate who seeks redress for remarks made in the current meeting.

Point of order: An appeal to the chair that the procedures of meeting are at variance with the approved rules of the meeting or with the constitution.

Preamble: An introductory statement or clauses indicating why the motion is being presented and why it should be adopted.

Previous question: Older usage for defining the question when a vote is taken to close the debate.

Putting the question: Placing a motion before the meeting for a decision by a vote.

Question: A motion that has been formally moved and seconded but has not been voted upon.

Receive: A procedure by which a meeting acknowledges that a report has been presented, but is not bound by its findings or recommendations.

Refer: To transfer consideration of an item to another group for detailed study or action and subsequent report back to the meeting or the membership.

Resolution: a formal written proposal to be considered by the meeting; a motion that has been approved by the meeting.